

Draft Environmental Assessment Securing Public Access in Perpetuity on the Dry Cottonwood Creek & Deer Lodge River Ranches

June 2018



Region 2

3201 Spurgin Road, Missoula, MT 59804



Top: Looking east on Sand Hollow Road through Dry Cottonwood Creek Ranch and intermingled DNRC.
Bottom: Looking west on Galen East Road, with Clark Fork River crossing from Deer Lodge River Ranch on the south (left) to Dry Cottonwood Creek Ranch on the north (right).

Draft Environmental Assessment CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. Type of proposed state action

In brief: Montana Fish, Wildlife and Parks (FWP) proposes to accept assignment (delegation) of the “right of public access” component of a conservation easement (CE) to be held by the Montana Land Reliance (MLR) on the Dry Cottonwood Creek and Deer Lodge River Ranches (the Ranches) in Deer Lodge County. The Ranches are comprised of a diverse mix of habitat, including 5.5 miles of the Clark Fork River, forest, big game winter range, and irrigated meadows and pastures, which support elk, mule deer, white-tailed deer and antelope. MLR would purchase a CE on the Ranches to protect the water resources, wildlife habitat, working agricultural ground, and public recreation opportunities currently present on 3,409 acres. MLR would then assign to FWP the rights portion of the CE that provides for public hunting access on the entire project area and public recreational access to the Clark Fork River Corridor. The Upper Clark Fork River Basin Remediation and Restoration Advisory Council voted on May 23, 2018, to recommend complete funding from the Montana Department of Justice Natural Resource Damage Program (NRDP) to complete this proposed project. No FWP funds would be used to acquire the proposed CE; therefore, the proposed action is for FWP to accept the assignment of the right of public access, in perpetuity, as further set forth in the CE to be held by MLR.

2. Agency authority for the proposed action

FWP has the authority under state law (§ 87-1-201, Montana Code Annotated (MCA)) to protect, enhance, and regulate the use of Montana's fish and wildlife resources for public benefit now and in the future, and to acquire land for this purpose (§ 87-1-209, MCA).

3. Name, address and phone number of project sponsor, if other than the agency

None

4. Anticipated Schedule

Public Comment Period: June 13-July 12, 2018

Public Meeting: June ~~27~~ 26 (in Deer Lodge)

Decision Notice Published: July 13, 2018

Reviewed by FWP Fish and Wildlife Commission: August 9, 2018

5. Locations affected by proposed action

The Ranches are located within FWP Administrative Region 2 and immediately east of Galen in Deer Lodge County, Montana (Figures 1 and 2).

Project Location:

Dry Cottonwood Creek Ranch

The property is in Deer Lodge County approximately 13 miles northeast of Anaconda, Montana. Access to the property is via Interstate 90 to the Galen Road exit, then east to Eastside Road and north to Sand Hollow Road.

The property occurs in all or part of the following sections:

Township 5 North, Range 9 West; Section 1

Township 6 North, Range 9 West; Sections 20, 21, 27, 28, 29 and 35

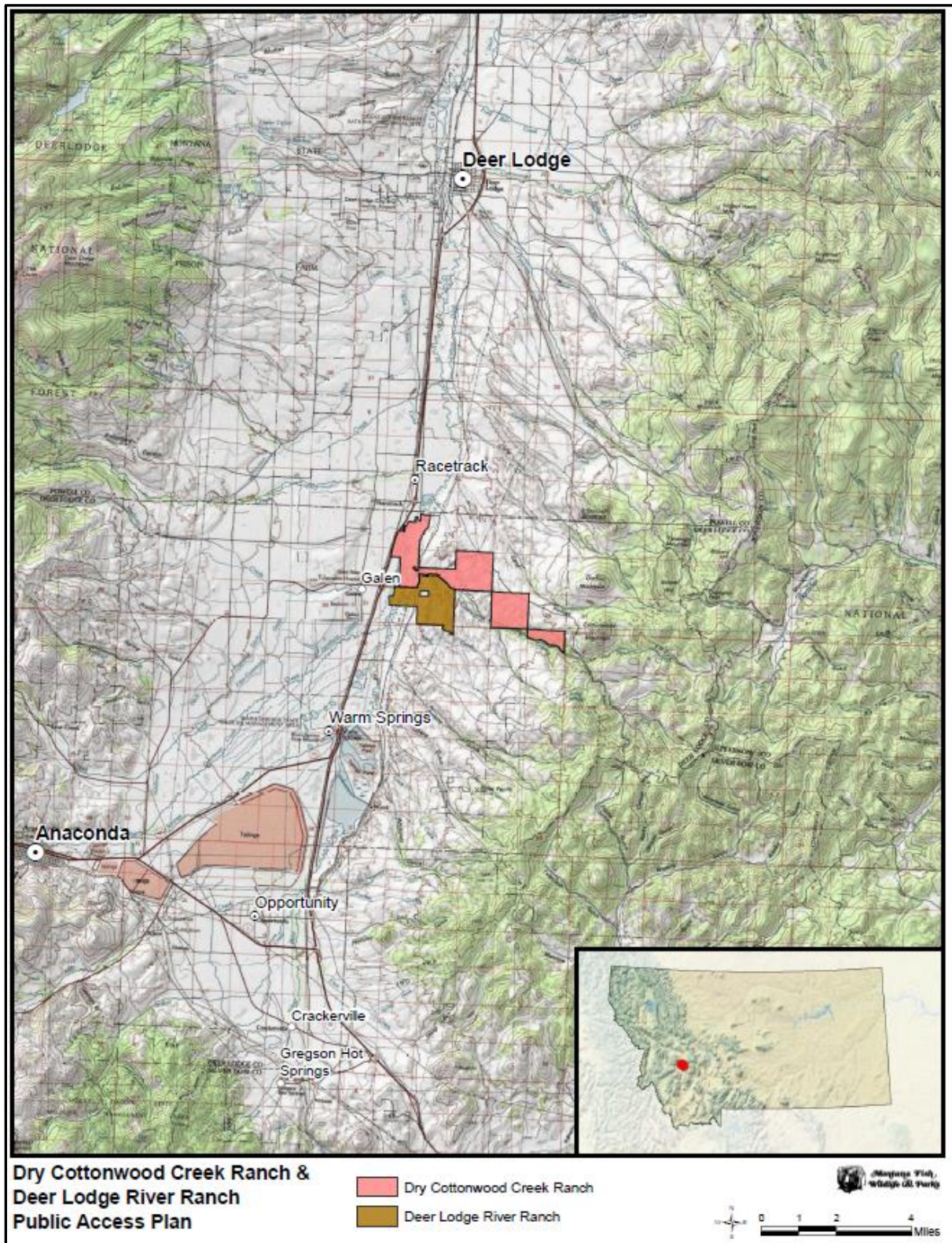


Figure 1. Location map for the proposed project area in relation to Anaconda, Deer Lodge and Galen, Montana, as well as Interstate 90 and forested lands in mountainous terrain (green).

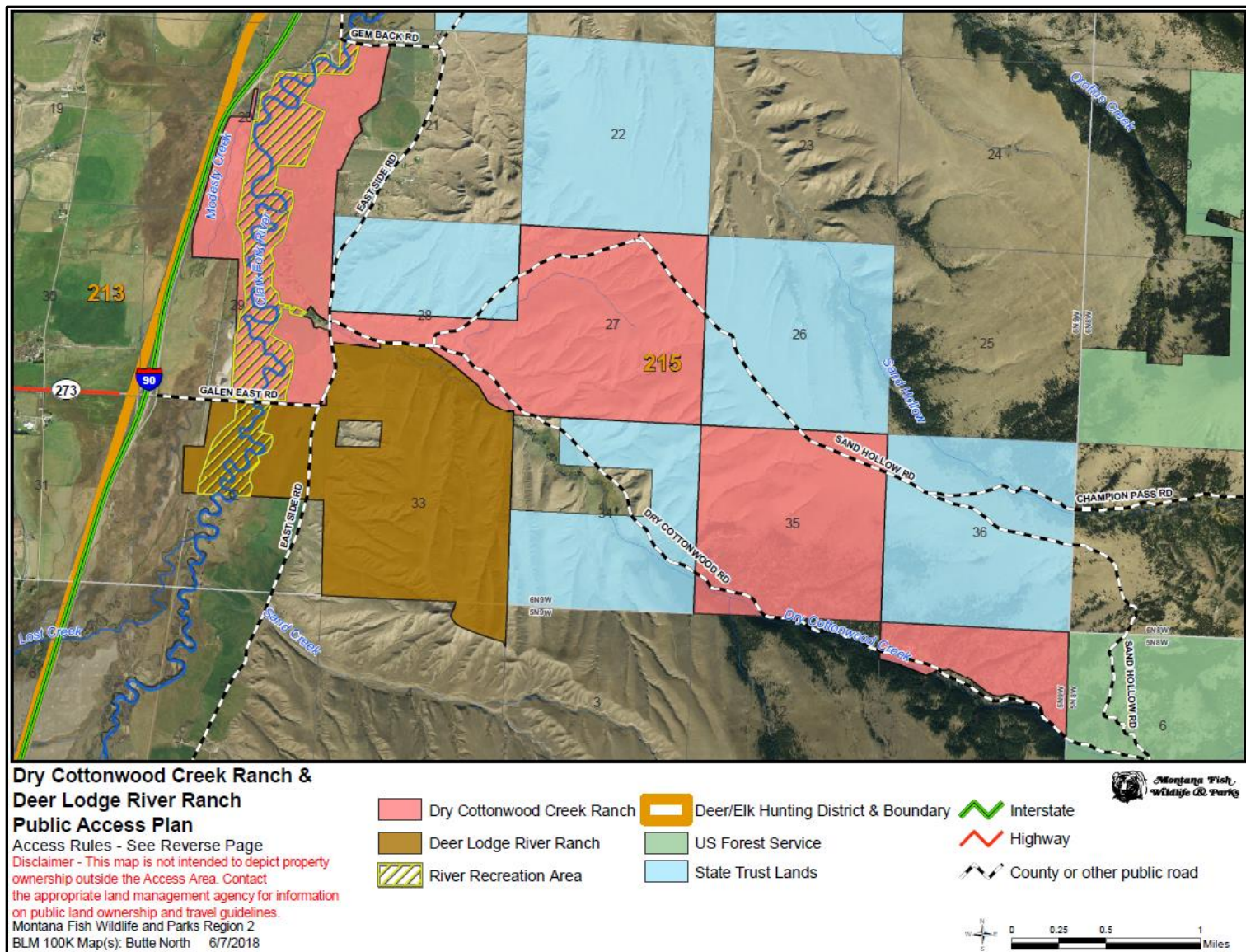


Figure 2. Aerial photo/map of the proposed project area (subject parcels are outlined in black), depicting the land ownership pattern in relation to Interstate 90.

Deer Lodge River Ranch

The property is in Deer Lodge County approximately 13 miles northeast of Anaconda, Montana. Access to the property is via Interstate 90 to the Galen Road exit, then east to Eastside Road and north about 200 feet to a driveway on the east side of the road which leads to the residence.

The property encompasses all or part of the following sections:

Township 5 North, Range 9 West; Section 4

Township 6 North, Range 9 West; Sections 28, 32 and 33.

6. Estimated project size

	<u>Acres</u>		<u>Acres</u>
(a) Developed:		(d) Floodplain	<u>425</u>
Residential	<u>0</u>		
Industrial	<u>0</u>	(e) Productive:	
		Irrigated cropland	<u>100</u>
(b) Open Space/	<u>all 3,409</u>	Dry cropland	<u>150</u>
Woodlands/Recreation		Forestry	<u>470</u>
(c) Wetlands/ Riparian	<u>500</u>	Rangeland	<u>2,000</u>
Areas		Other	<u>0</u>

7. Permits, Funding and Overlapping Jurisdiction

(a) **Permits:** none required

(b) **Funding:**
Natural Resource Damage Program (NRDP) \$2.37 million (approx.)

(c) **Other Overlapping Jurisdictional Responsibilities:**

<u>Agency Name</u>	<u>Type of Responsibility</u>
Upper Clark Fork Basin Trustee Restoration Council	funding approval
FWP Fish & Wildlife Commission	project approval
Montana State Land Board	project approval

8. Narrative summary of the proposed action

Montana Fish, Wildlife & Parks (FWP) proposes to secure public access in perpetuity for hunting and river recreation on about 3,409 acres of wetland, grassland and forest habitat near Galen, Montana, which are owned by Dry Cottonwood, LLC and Deer Lodge River Ranch, LLC. The proposed grant of public access would not require any purchasing costs from FWP. If selected and implemented, this proposed action would bind FWP to implement, review and update a *Public Access Plan* (Appendix A) for the subject properties annually, or up to every five years, in cooperation with the landowner(s). Following guidance in the conservation easement and *Public Access Plan*, FWP would be responsible for verifying that the landowner offers the opportunity for at least 800 hunter days of fair and equitable, free, public hunting access each year into the future, excluding the landowner's family and employees. For context, such opportunity would be achieved by the continuation of past hunting opportunities that the Ranches have offered under FWP's Block Management Program (Appendix A). FWP would also be responsible for verifying that the landowner offers the opportunity for free, year-round, public recreational access within a posted (open) and/or otherwise described Clark Fork River Corridor. FWP would provide an enforcement presence consistent with its presence on other conservation easements, Block Management Areas, Fishing Access Sites and similar points of public access on or surrounded by private lands.

This proposed action discloses this limited role for FWP as a partner in a larger project involving the Dry Cottonwood Creek and Deer Lodge River ranches. As background, the Natural Resource Damage

Program (NRDP) and the Clark Fork Coalition (CFC) are working with the Montana Land Reliance (MLR) and the American Public Land Exchange (APLE) to protect 5.5 miles of the Clark Fork River and the above-referenced 3,409 acres by purchasing the ranches, consolidating the two into one property, and placing a perpetual conservation easement (to be held by MLR) on the consolidated property, prior to reselling the property. As part of this process, NRDP, CFC, MLR and APLE would work with FWP to secure public access provisions for hunting and river recreation across the consolidated ranches, which would become part of the MLR conservation easement. FWP then proposes to accept MLR's assignment of those easement provisions pertaining to public access because FWP is the qualified organization best equipped to manage, monitor and enforce the public access terms in perpetuity, consistent with the overall intent of the MLR conservation easement. FWP has long experience in acquiring and managing public access provisions in many perpetual conservation easements that are held in the public trust by FWP, and both ranches have participated as valued cooperators in FWP's Block Management Program for many years as part of the larger *Upper Clark Fork River Block Management Area*. MLR would retain sole and full responsibility as the Grantee for monitoring and enforcing compliance with all other terms of the conservation easement, beyond the public access component.

The subject properties are located on the banks of the Clark Fork River and foothills of the Boulder Mountains. Dry Cottonwood Creek Ranch and Deer Lodge River Ranch riparian habitat, montane grasslands, wetlands and forestlands are connected to larger reaches of wildlife habitat connecting the Boulder Mountains, Anaconda-Pintler Wilderness and Flint Creek Range. Both properties enhance access to 2,500 acres of adjoining Montana Department of Natural Resources and Conservation (DNRC) lands, and Dry Cottonwood Creek Ranch's eastern boundary borders U.S Forest Service lands. Each ranch has one existing home-site along Eastside Road and collectively the two ranches have a combination of center-pivot, flood-irrigated, and wild-hay pasturelands located west of Eastside Road and east of the Clark Fork River. Other than the two home-sites both properties provide open space and diverse habitat for wildlife.

This joint conservation easement project is within the *NRDP Deer Lodge South Priority Landscape Area* identified in the *Upper Clark Fork River Basin (UCFRB) Aquatic & Terrestrial Resources Restoration Plan* (2012)¹. Dry Cottonwood Creek Ranch and Deer Lodge River Ranch are both classified as *Priority One Areas* under the aforementioned NRDP plan, recognizing the importance of "maintaining or improving wildlife species diversity, natural ecological functions, and habitat connectivity in grassland, forest, and riparian ecological systems." Both ranches are also Class I & II Terrestrial Focus Areas for FWP's *State Wildlife Action Plan* (2015)².

The riparian habitat within the 5.5-mile reach of the Clark Fork River supports native fish populations, bird nesting areas and diverse populations of non-game and big game wildlife. The combined 2,385 acres of upland surrounding the east end of the property is primarily native intermountain grasslands and conifer forests that provide habitat for a variety of game and non-game species. The Dry Cottonwood Creek Ranch and Deer Lodge River Ranch hold important big game winter range, primarily for elk, mule deer, and antelope. Numerous other species have been documented on, or near, the property in the Montana Natural Heritage Program database. Both ranches continue to participate in one of the most heavily utilized Block Management Areas in both Deer Lodge and Powell counties. Through the proposed conservation easement hunting access would continue to be available to the public in perpetuity.

The Dry Cottonwood Creek Ranch is located within Phase 5 and 6 of the remediation and restoration of the Clark Fork Operable Unit, which underwent cleanup activities in 2014 through mid-2016. This consisted of the 4.3 river miles and its floodplain, which were contaminated by heavy metals, arsenic and low pH. The most contaminated areas were slickens (barren areas of tailings) and thick layers of tailings/impacted soils. The primary objective of the cleanup was to excavate an estimated 532,000 cubic yards (CY) of tailings/impacted soils from streambanks and the floodplain within the Site, haul these materials and place them in the Opportunity Ponds, backfill excavations with non-impacted floodplain materials, reconstruct portions of the streambanks, and plant thousands of riparian trees and shrubs. Deer Lodge

¹ Available at <https://dojmt.gov/wp-content/uploads/Final-AT-Restoration-Plan-Combined.pdf> Accessed 11 Jun 2018.

² Available at <http://fwp.mt.gov/fishAndWildlife/conservationInAction/swap2015Plan.html> Accessed 11 Jun 2018.

River Ranch remedy and restoration actions are expected to occur on the property in coming years (Figure 3). Contractors are expected to remove 200,000 CY of contaminated sediments from the floodplain and riverbanks, backfilled with clean fill and again plant thousands of riparian trees and shrubs. These efforts are expected to significantly increase fishery and wildlife benefits over time as the CFR corridor is remediated and restored.



Figure 3. Floodplain work area and temporary closure currently in effect within the proposed conservation easement area on the Dry Cottonwood Creek Ranch, and which is expected in the future on the Deer Lodge River Ranch.

Dry Cottonwood Creek Ranch and Deer Lodge River Ranch properties are anticipated to be consolidated, owned and managed by the Clark Fork Coalition for a transition period to allow for the combined ranches to be encumbered with a conservation easement held by the Montana Land Reliance. Eventually the consolidated ranch would be sold to a buyer who is expected to keep the property as a working ranch. NRDP, MLR and CFC plan to work jointly with FWP to secure and develop a public access plan for river recreation and public hunting access. The intent of the conservation easement is to protect this property's fish and wildlife habitat and public recreational values while keeping the property in private ownership and management. The consolidated property would remain a working ranch and retain agricultural and cultural values in Deer Lodge County. Protecting these two properties would conserve native habitats, retain and enhance native shrub grasslands, enhance riparian area condition and integrity, and provide public access to wildlife resources and river-based recreation.

9. Description and analysis of reasonable alternatives

Alternative A: No Action

Under the No Action Alternative, FWP would not accept assignment of the rights for public hunting access and year-round river recreational access on the Dry Cottonwood Creek and Deer Lodge River ranches from MLR's Conservation Easement (CE). This would be expected to result in a failed CE project (i.e., the CE would not be purchased and finalized, due to lack of a public access component in the CE as desired by NRDP, the funding institution), in which case the opportunity to secure perpetual public access could be lost.

Alternative B: FWP acceptance of an assignment of public hunting and river recreational access rights in perpetuity from MLR on The Ranches

FWP would accept assignment of responsibility for the rights of public hunting and river recreation access on the Dry Cottonwood Creek and the Deer Lodge River ranches from MLR (under its Conservation Easement on the Ranch). FWP would be bound to implement, review and update a *Public Access Plan* (Appendix A) for the subject properties annually, or up to every five years, in cooperation with the landowner(s). Following guidance in the conservation easement and *Public Access Plan*, FWP would be responsible for verifying that the landowner offers the opportunity for at least 800 hunter days of fair and equitable, free, public hunting access each year into the future, excluding the landowner's family and employees. For context, such opportunity would be achieved by the continuation of past hunting opportunities that the Ranches have offered under FWP's Block Management Program (Appendix A). FWP would also be responsible for verifying that the landowner offers the opportunity for free, year-round, public recreational access within a posted (open) and/or otherwise described Clark Fork River Corridor. FWP would provide an enforcement presence consistent with its presence on other conservation easements, Block Management Areas, Fishing Access Sites and similar points of public access on or surrounded by private lands.

10. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency

MLR would oversee and enforce the terms of the CE with the exception of the assigned right of public hunting and river recreation access, which would be the responsibility of FWP. MLR would retain a right of revocation of this right to FWP.

PART II. ENVIRONMENTAL REVIEW CHECKLIST

Evaluation of the impacts of the **Proposed Action** including secondary and cumulative impacts on the Physical and Human Environment.

A. PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u> Will the proposed action result in:	IMPACT					
	Un-known	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Soil instability or changes in geologic substructure?		X				
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?		X				
c. Destruction, covering or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		X				
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				

FWP's proposed acquisition of the public hunting access right from the conservation easement held by MLR would have no impact on land resources.

2. <u>AIR</u> Will the proposed action result in:	IMPACT					
	Un-known	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Emission of air pollutants or deterioration of ambient air quality? (Also see 13 (c).)		X				
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. <u>For P-R/D-J projects</u> , will the project result in any discharge, which will conflict with federal or state air quality regulations? (Also see 2a.)		X				

The ambient air quality would not change if FWP acquired the public hunting and river recreation access rights, because motorized access would continue to be limited to only the established roads, with walk-in access on the Ranches for hunting and river recreation.

3. <u>WATER</u> Will the proposed action result in:	IMPACT					
	Un-known	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?		X				
b. Changes in drainage patterns or the rate and amount of surface runoff?		X				
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		X				
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)		X				
m. For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)		X				

FWP's proposal to acquire assignment of the public hunting and river recreation access rights for the Ranch would have no effect on existing quality, quantity or flooding of natural surface waters or groundwater. The designated access points to the Ranch used by hunters and river recreationists would remain the same as they are currently.

4. <u>VEGETATION</u> Will the proposed action result in?	IMPACT					
	Un-known	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?		X				
b. Alteration of a plant community?		X				
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?		X				
f. For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		X				

The proposed acquisition of the public hunting and river recreation access right would have no impact on existing vegetation diversity or density.

5. FISH/WILDLIFE Will the proposed action result in:	IMPACT					
	Un-known	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Deterioration of critical fish or wildlife habitat?		X				
b. Changes in the diversity or abundance of game animals or bird species?		X				
c. Changes in the diversity or abundance of nongame species?		X				
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?			X			5g
h. <u>For P-R/D-J</u> , will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)		X				
i. <u>For P-R/D-J</u> , will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		X				

5g. The proposed public hunting access is not expected to increase conditions that stress wildlife populations, since seasonal hunting is currently allowed by the Ranch.

B. HUMAN ENVIRONMENT

6. <u>NOISE/ELECTRICAL EFFECTS</u> Will the proposed action result in:	IMPACT					
	Un-known	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Increases in existing noise levels?		X				
b. Exposure of people to serve or nuisance noise levels?		X				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				

The proposed acquisition would not increase noise above levels currently experienced in the area. Access to the Ranches would remain walk-in for hunting and river recreation activities and motorized access on county roads to designated access points.

7. <u>LAND USE</u> Will the proposed action result in:	IMPACT					
	Un-known	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				

The acquisition of the public hunting and river recreation access rights by FWP from MLR would not change current land uses. The property would continue to be accessible by the public for hunting and river recreation in perpetuity and current land uses by the landowner would continue.

8. <u>RISK/HEALTH HAZARDS</u> Will the proposed action result in:	IMPACT					
	Un-known	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?		X				
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?		X				
d. For P-R/D-J, will any chemical toxicants be used? (Also see 8a)		X				

The proposed right acquisition would not change or increase human health hazards. Public hunting and river recreation has occurred on the Ranches and on adjacent public lands for many years.

9. <u>COMMUNITY IMPACT</u> Will the proposed action result in:	IMPACT					
	Un-known	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				

The acquisition of the public hunting and river recreation access right would have no effect on local communities, increase traffic hazards, or alter the distribution of population in the area.

10. PUBLIC SERVICES/ TAXES/ UTILITIES Will the proposed action result in:	IMPACT					
	Un-known	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:		X				
b. Will the proposed action have an effect upon the local or state tax base and revenues?		X				
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Will the proposed action result in increased use of any energy source?		X				
e. Define projected revenue sources		N/A				
f. Define projected maintenance costs.		N/A				

The proposed right acquisition would have no impact on public services or utilities.

11. <u>AESTHETICS/RECREATION</u> Will the proposed action result in:	IMPACT					
	Un-known	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings?			X			11c
d. For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c.)		X				

11c. The proposed acquisition of the public hunting access right may slightly increase the use of the Ranches and adjacent public lands by hunters and river recreationists, as changing ownerships of area private lands has decreased the number of private acres available for public access over recent years. The permanent protection of hunting access on the Ranches and through the Ranches to adjacent public lands may become a focal point of recreation activity for the area in the future.

12. <u>CULTURAL/HISTORICAL RESOURCES</u> Will the proposed action result in:	IMPACT					
	Un-known	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Destruction or alteration of any site, structure or object of prehistoric historic or paleontological importance?		X				
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a.)		X				

FWP anticipates there would be no impact to cultural or historic resources if the acquisition were approved and hunting and public recreation access is maintained to the property and adjacent public lands. FWP's jurisdiction does not include groundbreaking or ground-disturbing activities.

SIGNIFICANCE CRITERIA

13. <u>SUMMARY EVALUATION OF SIGNIFICANCE</u> Will the proposed action, considered as a whole:	IMPACT					
	Un-known	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)		X				13a
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				13e.
f. For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)		X				
g. For P-R/D-J, list any federal or state permits required.		X				

13a. No secondary or cumulative impacts are anticipated if FWP were to acquire the public hunting-access rights for the Ranches from MLR.

13e. No public controversy is expected to be generated by the proposed acquisition.

PART III. NARRATIVE EVALUATION AND COMMENT

The proposed acquisition would allow FWP to protect in perpetuity public access to the Ranch property and through the Ranch to adjacent public lands for hunting activities.

PART IV. PUBLIC PARTICIPATION

1. Public involvement

The public would be notified in the following manners about the opportunity to comment on this current EA, the proposed action and alternative:

- Legal notices will be published twice each in each of these newspapers: *Silver State Post* (Deer Lodge), *Independent Record* (Helena), *Montana Standard* (Butte), *Anaconda Leader*, *Philipsburg Mail* and *Missoulian* (Missoula).
- Public notice will be posted on FWP's webpage: <http://fwp.mt.gov> ("News," then "Public Notices"). The Draft EA would also be available on this webpage, along with the opportunity to submit comments online.
- Copies would be available at the FWP Region 2 Headquarters in Missoula and the FWP State Headquarters in Helena.
- A news release would be prepared and distributed to a standard list of media outlets interested in FWP Region 2 issues; this news release would also be posted on FWP's website <http://fwp.mt.gov> ("News," then "News Releases"). This news release would also be posted on FWP Region 2's website <http://fwp.mt.gov/regions/r2/>.
- Direct mailing or email notification would be made to adjacent landowners and other interested parties (individuals, groups, agencies) to ensure their knowledge of the proposed project.
- A public hearing to explain the project, answer questions and take public comment will be held in Deer Lodge on Tuesday, June 26, 2018 at 7:00 p.m. at the Elk's Lodge (230 Main Street).

Copies of this draft EA may be obtained by mail from Region 2 FWP, 3201 Spurgin Rd., Missoula 59804; by phoning 406-542-5540; by emailing shrose@mt.gov; or by viewing FWP's Internet website <http://fwp.mt.gov> ("Public Notices," beginning June 12, 2018).

This level of public notice and participation is appropriate for a project of this scope with no significant physical or human impacts and only minor impacts that can be mitigated.

2. Duration of comment period

The public comment period will extend for thirty (30) days following the publication of the legal notice in the *Missoulian*. Comments must be received by FWP no later than July 12, 2018.

Comments may be made online on the EA's webpage, mailed to the FWP address below, or emailed to Sharon Rose at shrose@mt.gov :

Region 2 FWP
Attn: Sharon
3201 Spurgin Rd.
Missoula, MT 59804

PART V. EA PREPARATION

- 1. Based on the significance criteria evaluated in this EA, is an EIS required? No**

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action.

No, an EIS is not required. Based on an evaluation of the primary, secondary, and cumulative impacts to the physical and human environment, no significant impacts from the proposed acquisition were identified. In determining the significance of the impacts of the proposed project, FWP assessed the severity, duration, geographic extent, and frequency of the impact, the probability that the impact would occur or reasonable assurance that the impact would not occur. FWP assessed the importance to the state and to society of the environmental resource or value affected; any precedent that would be set as a result of an impact of the proposed action that would commit FWP to future actions; and potential conflicts with local, federal, or state laws. As this EA revealed no significant impacts from the proposed actions, an EA is the appropriate level of review and an EIS is not required.

- 2. Persons responsible for preparing the EA**

Mike Thompson, FWP Regional Wildlife Manager, Missoula, MT

- 3. List of agencies or offices consulted during preparation of the EA**

Natural Resource Damage Program, Helena, MT

Montana Fish, Wildlife & Parks:

Lands, Helena, MT

Wildlife, Helena, MT

Access, Missoula, MT

APPENDIX A. Proposed *Public Access Plan* for the Dry Cottonwood and Deer Lodge River Ranches for public hunting access under terms of the proposed conservation easement to be held by the Montana Land Reliance

Regulations for

DRY COTTONWOOD & DEER LODGE RIVER RANCHES PUBLIC ACCESS PLAN

Antelope/Deer/Elk Hunting District: 215

Hunting Access Dates: September 1, 2018 – February 15, 2019

CLARK FORK RIVER RECREATION ACCESS: YEAR-ROUND

GENERAL INFORMATION

The Dry Cottonwood Creek & Deer Lodge River Ranches are currently enrolled in the *Upper Clark Fork Block Management Area* (BMA), located southeast of Deer Lodge. Hunting on 13,110 acres is provided by multiple private landowners, and Montana Department of Natural Resources & Conservation (DNRC).

This BMA provides hunting opportunities for white-tailed deer, mule deer, antelope, elk, black bear, upland bird and waterfowl.

THE CLARK FORK RIVER RECREATION AREA PROVIDES YEAR-ROUND PUBLIC ACCESS FOR RECREATIONAL OPPORTUNITIES.

PERMISSION REQUIREMENTS

Prior to the first day of hunting every hunter is required to register at one of the sign-in boxes by filling out a season-long permission coupon. Season-long permission registration details are posted at each sign-in box.

Every hunter is required to carry a completed season-long permission coupon at all times while hunting on this BMA. Permission coupons are valid from September 1 - February 15.

PERMISSION IS NOT REQUIRED FOR PUBLIC USE OF THE CLARK FORK RIVER RECREATION AREA.

HOW TO GET THERE

From Interstate 90:

►Take *Galen* Exit #197; drive east on *Galen Road* approximately 1 mile (cross the Clark Fork River) to *Eastside Road*.

►Turn north onto the *Eastside Road* to access the Deer Lodge River, Dry Cottonwood Creek, and Beck Ranches

►Turn south onto the *Eastside Road* to access the Deer Lodge River, Lampert, and Logan Ranches.

RANCH ACCESS

Deer Lodge River Ranch: Hunting access is walk-in only from *Eastside Road*, *Dry Cottonwood Creek Road* or *Galen Road*. Vehicle access for game retrieval may be allowed by contacting the landowner.

Dry Cottonwood Creek Ranch: Hunting access is walk-in only from county roads. Black bear hunting is not allowed on the Dry Cottonwood Creek Ranch.

REGULATIONS

1. DO NOT BLOCK GATES.
2. Cattle may be present on the Block Management Area, please use caution.
3. Be aware of houses, ranch structures & livestock. Do not enter or shoot into *Safety Zones*.
4. No camping or fires allowed on the BMA.
5. It is unlawful to commercially outfit on the BMA.
6. Fish & Wildlife Commission-approved hunting regulations apply. Hunters are required to possess the necessary hunting licenses associated with the species and hunting district they are hunting.
7. **THE CLARK FORK RIVER RECREATION AREA WILL BE TEMPORARILY CLOSED TO PUBLIC ACCESS DURING SUPERFUND CLEANUP, RESTORATION AND REVEGETATION.**

BMA #41 2/14/2018 KM

TO ASSURE YOUR FUTURE HUNTING PRIVILEGES ON THIS BMA, PLEASE OBEY THESE REGULATIONS AND RESPECT PRIVATE PROPERTY.

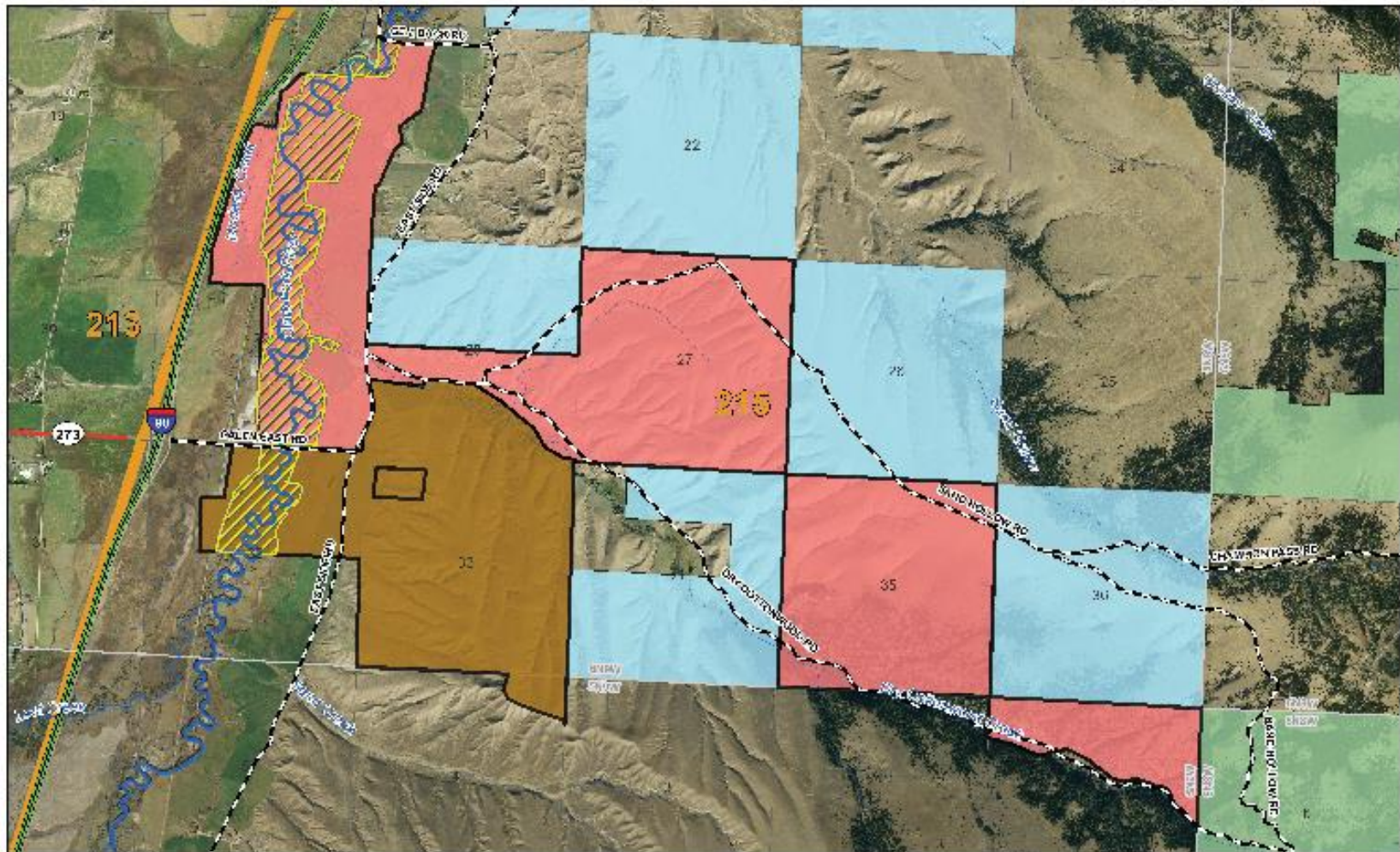
REPORT VIOLATIONS: 1-800-TIP-MONT



Montana Fish & Wildlife

Region 2 Office

3201 Spurgin Road, Missoula, MT 59804-3101
Phone 406-542-5500
(M-F, 8 A.M.-5 P.M., excluding holidays)



**Dry Cottonwood Creek Ranch &
Deer Lodge River Ranch
Public Access Plan**

Access Rules - See Reverse Page

Disclaimer - This map is not intended to depict property ownership outside the Access Area. Contact the appropriate land management agency for information on public land ownership and travel guidelines. Montana Fish Wildlife and Parks Region 2
DLM 100K Map(s): Dule North 2/21/2018



- | | | |
|----------------------------|--------------------------------------|-----------------------------|
| Dry Cottonwood Creek Ranch | Deer/Elk Hunting District & Boundary | Interstate |
| Deer Lodge River Ranch | State Trust Lands | Highway |
| River Recreation Area | | County or other public road |

